

**FORTY-SEVENTH LEGISLATURE  
FIRST SESSION, 2005**

February 19, 2005

Mr. Speaker:

Your **CONSUMER AND PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

**HOUSE BILL 498**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 14, strike "PRODUCTS AND".
2. On page 1, line 15, after "PROGRAMS" insert "OR QUALIFYING INDIVIDUALS WITH DISABILITIES".
3. On page 1, line 21, strike "6" and insert in lieu thereof "7".
4. On page 2, line 1, strike "their products and services" and insert in lieu thereof "services delivered by persons with disabilities".
5. On page 2, line 8, strike "products or".
6. On page 2, line 9, strike "persons with disabilities to" and insert in lieu thereof a colon and:

"(1) qualified individuals; and  
(2)".
7. On page 2, line 21, strike "in the manufacture of products or".
8. On page 2, line 23, after "year" insert "at least seventy-five percent".
9. On page 2, line 24, strike "for the manufacture of products or" and insert in lieu thereof "in direct labor for".
10. On page 3, lines 3 and 4, strike "work required for preparation, processing and packaging of a product or".
11. On page 3, lines 6 and 7, strike ", inspection or

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shipping" and insert in lieu thereof "or inspection".

12. On page 3, lines 11 through 13, strike Subsection F in its entirety and insert in lieu thereof the following new Subsections F and G:

"F. "persons with disabilities" means persons who have a mental or physical impairment that constitutes or results in a substantial impediment to employment as defined by the federal Rehabilitation Act of 1973;

G. "qualified individual" means a person with a disability who is a business owner, or a business that is primarily owned and operated by persons with disabilities that employs at least seventy-five percent persons with disabilities in the provision of direct labor, which has been approved by the council to provide services to state agencies and local public bodies. A person who is receiving services pursuant to an individualized plan of employment from the vocational rehabilitation division of the public education department or from the commission for the blind shall be presumed to be a person with disability, as shall a person who is receiving supplemental security income or social security benefits based on disability;"

13. Reletter the succeeding subsections accordingly.

14. On page 4, line 3, strike "and" and insert in lieu thereof ", including one state-employed vocational rehabilitation counselor, who are".

15. On page 4, line 13, after "their" insert "agency".

16. On page 4, line 24, before the period insert "or cost reimbursement".

17. On page 5, line 5, strike "products and".

18. On page 5, lines 6 and 7, strike "in community rehabilitation programs".

19. On page 5, line 10, strike "products and".

20. On page 5, line 16, strike "products and".

21. On page 5, line 19, strike "products and".

22. On page 5, line 21, strike "products and".

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23. On page 5, line 22, strike "products and".
24. On page 5, line 24, strike "producing the products or".
25. On page 6, line 4, strike "that have products and" and insert in lieu thereof "and qualified individuals that have".
26. On page 6, lines 10 and 11, strike "among community rehabilitation programs for products and" and insert in lieu thereof "for".
27. On page 6, line 13, strike "products and".
28. On page 6, line 17, strike "and".
29. On page 6, line 19, strike the period and insert in lieu thereof "; and  
  - (8) ensure that the work provides opportunities for integration with nondisabled persons, fair pay and adds value to the service provided."
30. On page 7, between lines 1 and 2, insert the following new Section 6:  

"Section 6. [NEW MATERIAL] EXISTING VENDOR EXCLUSION.-- Services provided pursuant to and facilities covered by Section 22-14-27 NMSA 1978 are excluded from the State Use Act."
31. Renumber the succeeding sections accordingly.
32. On page 7, line 5, strike "any product or" and insert in lieu thereof "a".
33. On page 7, line 7, after "the" strike the remainder of the line and insert in lieu thereof "service".
34. On page 7, line 8, strike "product or".
35. On page 7, line 15, strike "products or".
36. On page 11, line 13, strike "and".
37. On page 11, line 14, strike "products and".
38. On page 11, line 15, after "programs" insert "or qualified individuals".

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39. On page 11, line 16, strike the period and quotation marks and insert in lieu thereof "; and".

40. On page 11, between lines 16 and 17, insert the following new Subsection Z:

"Z. purchases of products or services for eligible persons with disabilities pursuant to the federal Rehabilitation Act of 1973."",

and thence referred to the **BUSINESS AND INDUSTRY COMMITTEE.**

Respectfully submitted,

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Gail C. Beam, Chairwoman

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Park

Absent: None